

United States District Court

Western District of Michigan

UNITED STATES OF AMERICA

Case Number: 1:06-cr-10-01

v.

USM No. 12590-040

TE'RHON LAMARR GUIDRY

Paul L. Nelson
Defendant's AttorneyDate of Previous Judgment: August 3, 2006
(Use Date of Last Amended Judgment if Applicable)

ORDER ADJUDICATING MOTION FOR MODIFICATION OR REDUCTION OF SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant under 18 U.S.C. §3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. §994(u), and the Court having considered such motion,

IT IS HEREBY ORDERED that the motion is:

☐ DENIED.

☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 135 months **is reduced to** 120 months.

IT IS FURTHER ORDERED THAT:

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 33Amended Offense Level: 31Criminal History Category: IVCriminal History Category: IVPrevious Guideline Range: 188 to 235 monthsAmended Guideline Range: 151 to 188 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain):

Originally, the defendant received a three-level downward departure based on a 5K1.1 motion by the government and was sentenced to 135 months, which was at the bottom of the guideline range (135 to 168 months). Taking a three-level downward departure into consideration, the new guideline range would be 110 to 137 months. However, the defendant pled to a charge that carries a mandatory minimum sentence of 120 months. Absent an appropriate motion by the government, this Court is without authority to reduce a sentence below the mandatory minimum.

Except as provided above, all provisions of the judgment dated August 3, 2006 shall remain in effect.

IT IS SO ORDERED.

Order Date: September 8, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge